

**CITY OF MILPITAS  
APPROVED**

**PLANNING COMMISSION MINUTES**

**November 9, 2005**

**I.  
PLEDGE OF  
ALLEGIANCE**

**Chair Williams** called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

**II.  
ROLL CALL**

Present: Azevedo, Garcia, Lalwani, Mandal, Mohsin and Williams  
Absent: Galang  
Staff: Carrington, Bejines, Pereira, Khaila, Rodriguez and Williams

**III  
PUBLIC FORUM**

Chair Williams invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.

There were no speakers from the audience.

**IV.  
APPROVAL OF MINUTES  
October 26, 2005**

Chair Williams called for approval of the minutes of the Planning Commission meeting of October 26, 2005.

There were no changes to the minutes.

**Motion** to approve the October 26, 2005 minutes.

M/S: Lalwani/Azevedo

AYES: 5

NOES: 0

ABSTENTIONS: 1 (Garcia -absent at the meeting)

**V.  
ANNOUNCEMENTS**

**Tom Williams, Planning and Neighborhood Services Director**, announced that the deadline to submit an application for Planning Commissioner is November 22<sup>nd</sup> with interviews scheduled November 30<sup>th</sup>.

**Commissioner Mandal** noted that he will be out of the country in December.

**Commissioner Garcia** announced that he will resign from the Planning Commission effective the end of the year because he has new responsibilities at work and will not be able to perform his duties with the Planning Commission.

Commissioner Williams commended Commissioner Garcia stating he would be greatly missed.

Chair Williams suggested that the meeting be adjourned in recognition of Veteran's past and present and the Commission agreed.

**VI.  
CONFLICT  
OF INTEREST**

Chair Williams asked if the Commission has any conflict of interest on tonight's agenda.

There were no Commissioners that identified a conflict of interest.

**VII.  
APPROVAL OF  
AGENDA**

Chair Williams called for approval of the agenda.

Mr. Williams suggested that Item No. 2 (Amendment to the Milpitas General Plan No. GP2005-8 to define the term “Acre, Gross”) be added to the consent calendar.

The Commission agreed.

**Motion** to add Item No. 2 to the consent calendar.

M/S: Lalwani/Mandal

AYES: 6

NOES: 0

**VIII.  
CONSENT CALENDAR  
Item Nos. 2, 4, 5 and 7**

Chair Williams asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

There were no changes to the consent calendar.

Chair Williams opened the public hearing on Consent Item Nos. 2, 4 and 5.

There were no speakers from the audience.

**Close the public hearing**

**Motion** to close the public hearing on Consent Item Nos. 2, 4 and 5.

M/S: Lalwani/Azevedo

AYES: 6

NOES: 0

**Motion** to approve the consent calendar on Consent Item Nos. 2, 4, 5 and 7.

M/S: Lalwani/Mohsin

AYES: 6

NOES: 0

**\*2 AMENDMENT TO THE MILPITAS GENERAL PLAN NO. GP2005-8 TO DEFINE THE TERM “ACRE, GROSS”:** A request to amend the definition of “Acre, Gross” in the Glossary of the Milpitas General Plan and amend the zoning ordinance text.

**\*4 USE PERMIT AMENDMENT NO. UA2005-13:** A request for approval to add sales of all types of alcohol for an existing restaurant located at 181 Ranch Drive (APN: 022-53-002), zoned General Commercial (C2).

**\*5 USE PERMIT NO. UP2005-22:** A request for approval to operate a convenience store within the Great Mall located at 1100 South Main Street.

**\*7 ADMINISTRATIVE ITEM NO. AD2005-14:** Approve 2006 Planning Commission meeting schedule provided in the agenda packet.

**IX. PUBLIC HEARING**

**1. USE PERMIT NO.  
UP2005-18**

**Staci Pereira, Assistant Planner,** presented a request for a temporary sales office trailer adjacent to model homes for the KB Terra Serena development (both single family and town homes) located on the west side of South Abel Street and recommended approval with conditions and revisions to the following special condition:

5. *Prior to building permit issuance for the model home complex, the applicant shall submit details of the revised temporary overflow parking for review and approval.*

Commissioner Garcia thought that the City purchased the land west of the project area between I-880 from the County. Mr. Williams said that the City did not purchase the land from the County and are still in negotiations with the County for an auto dealership.

Commissioner Mohsin asked if it is standard to take a parking lot away from other developers when they are developing parking spaces to display homes. Ms. Pereira replied that it is a different situation because it is not permanent and not dedicated. The developer has plans in for grading and construction activities that are currently going on site and until they know the completion and timing of the current activities, they are unable to determine an appropriate location for the temporary parking that would be needed for an overflow for a grand opening event. The term lot just made it seem that they had to dedicate a specific area, and the applicant wants more flexibility to determine an appropriate location for the trailers.

Commissioner Mohsin asked how many spaces are going to be dedicated and Ms. Pereira replied seven parking spaces along the southside of Alvarez Common and forty spaces in case of an overflow of parking.

Chair Williams opened the public hearing.

There were no speakers from the audience.

## **Close the Public Hearing**

**Motion** to close the public hearing.

M/S: Lalwani/Azevedo

AYES: 6

NOES: 0

**Motion** to approve Use Permit No. UP2005-18 with findings and recommendations in the staff report, approved special conditions, and modification to condition no. 5.

M/S: Lalwani/Azevedo

AYES: 6

NOES: 0

## **2. MAJOR TENTATIVE MAP AMENDMENT NO. TM2005-1**

**Staci Pereira, Assistant Planner**, presented a request to modify Major Tentative Map No. MA2003-4 Condition of Approval Nos. 69 (Streetlight fixtures) and 86 (Recycled Water) of the recently approved KB Homes Development (GP2003-1, ZC2003-2, MA2003-4, PD2003-1, SZ2003-6, UP2003-26 and EA2003-7) located on the east and west sides of South Abel Street and recommended approval to City Council.

Commissioner Garcia is concerned about the use of water and felt that the City may have challenges in the future about water and using portable water strikes him as a challenge. He asked what types of plants or trees could be used to recycle water. Ms. Pereira replied that she would have to work with the Land Division to find out about using different tree species to accommodate recycled water.

**Mehdi Khaila, Principal Civil Engineer**, said he is not sure of the type of tree, but the provisions to introducing portable water for this area is on a temporary basis and would be enough time for the trees to be established but the system would be designed to easily convert to recycled water in the future.

Commissioner Mandal asked if the elm trees at elm park need regular water or asked if portable water could be used. Ms. Pereira said she doesn't know about the long term water needs of the elms but thinks they could be easily changed to portable water in the future.

Commissioner Lalwani asked if the decorative streets lights will be eliminated. Ms. Pereira said that they would be eliminated only on one street and would still be on Alvarez Court and Abel Street.

Chair Williams recalled that the decorative lights were conceived as part of the Midtown Plan and as the Midtown boundary expanded to encompass Abel, it was broadened.

Chair Williams opened the public hearing.

There were no speakers from the audience:

### **Close the public hearing**

**Motion** to close the public hearing.

M/S: Lalwani/Mandal

AYES: 6

NOES: 0

Motion to approve Major Tentative Map Amendment No. TM2005-1 with the findings, recommendations and special conditions noted in the staff report.

M/S: Lalwani/Mohsin

AYES: 6

NOES: 0

### **3. FOLLOW UP REPORT ON THE TOWN CENTER/HILLVIEW INTERSECTION**

**Jaime Rodriguez, Traffic Engineer**, presented information on the Town Center/Hillview Drive intersection as requested by the Planning Commission at the October 26, 2005 meeting and recommended note, receipt and file.

Commissioner Lalwani asked if everything will stay the same at the Hillview/Town Center drive intersection and Mr. Rodriguez said with the exception of the signs that will be added and the paving messages, everything will stay the same for now.

Commissioner Mohsin said she uses the street every day and asked if there are any studies that staff has taken with Shapell to widen the entry to the Town Center. Mr. Rodriguez said there is some minor widening occurring at the intersection.

Commissioner Mohsin felt there would be an impact to traffic once the housing comes in. Mr. Rodriguez explained that when a project comes in, staff works with the developer to provide on site and off site comments.

Mr. Williams noted there is a five-year review period with annual reports due from the developer so traffic engineering can continue their analysis. Part of that condition is the widening of the entrance into the shopping center. In terms of gaining additional right of way from the developer, the appropriate time to get that was at the preliminary review process and by law, it is too late now to request that unless the Town Center comes back for an amendment to their development.

Mr. Rodriguez added that staff helped the developer reconfigure the lanes on Calaveras to make them safer and also to add new stop signs.

Commissioner Mohsin asked if staff could request an easement from the developer when the new businesses come. Mr. Williams said if a new business comes for a use permit, staff will not be able to extract additional right of way, only when a development comes in for a physical improvement to the overall development of the project but not for an individual business.

Commissioner Mandal asked about the Traffic Impact Analysis. Mr. Rodriguez said that analysis documented the number of trips that would be created within the project. The project estimates to generate about 3,600 daily trips in and out of the site. In the morning, 191 trips are anticipated and 362 trips are anticipated in the late afternoon.

Commissioner Mandal asked if there is anything that could be done to the short distance on Hillview. Mr. Rodriguez said that two things that come to mind are either eliminating the left turn access or build a signal.

Commissioner Mohsin asked if staff has looked at a four way stop sign. Mr. Rodriguez said it was not looked at because there is a lot of volume of traffic coming down Hillview and would not be appropriate today.

Commissioner Mohsin said that it is a narrow street and people are always getting tickets there.

Chair Williams asked about the lane configuration sign and asked if there is going to be one at the crossbar signal. Mr. Rodriguez said no because the traffic signal mask arm is old and cannot accommodate any more weight on it.

Chair Williams noted that this project is not a public hearing and is a note, receipt and file.

The meeting was adjourned in memory of Veteran's Day at 8:05 p.m. to the next regular meeting of December 14, 2005.

## **X. ADJOURNMENT**

Respectfully Submitted,

Tom Williams  
Planning and Neighborhood Services  
Director

Veronica Rodriguez  
Recording Secretary